

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES of AMERICA

v.

STANLEY LEVEAR DAVIS, II,

Defendant.

UNDER SEAL

Case No. 1:23-mj-88

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, John C. Donovan, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint and arrest warrant charging Stanley Levear Davis, II (“**DAVIS**”) with making false statements with respect to the purchase of a firearm, in violation of 18 U.S.C. § 924(a)(1)(A).

2. I have been a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) since November 2016. I am assigned to the ATF Washington Field Division’s Firearms Trafficking Group. My assignments include investigating individuals who are involved in the illegal purchase, possession, and transfer of firearms, as well as violent crimes involving firearms. During these investigations, I have analyzed records; participated in the search and seizure of phone, email, and social media accounts; conducted mobile and static surveillance; conducted interviews; prepared and sworn criminal complaints; and participated in the execution of search and arrest warrants. Since working for the ATF, I have graduated from

the Criminal Investigator Training Program and ATF Special Agent Basic Training.

3. The facts and information contained in this affidavit are based on my personal observations, my training and experience, and knowledge and information obtained from other law enforcement officers and witnesses. All observations referenced in this affidavit that were not personally made by me were relayed to me by the person(s) who made such observations or in reports that detailed the events described by that person(s). This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

4. Through my training and experience, I am aware that federal law prohibits Federal Firearms Licensees (“FFLs”) from selling a firearm to a non-licensee purchaser “unless the [FFL] records the transaction on a firearms transaction record, Form 4473.” 27 C.F.R. § 478.124(a). “Form 4473” refers to the ATF Firearms Transaction Record, Form 4473. I am further aware that the law requires FFLs to retain “as a part of the required records, each Form 4473 obtained in the course of transferring custody of the firearms.” 27 C.F.R. § 478.124(b). Accordingly, any false statement a purchaser makes on a Form 4473 pertains to information an FFL is required by law to maintain.

A. DAVIS's Firearms Purchases

5. ATF began investigating **DAVIS's** firearms purchases after receiving information in August 2020 from an employee at Vienna Arsenal¹, an FFL located in Vienna, Virginia, in Fairfax County, within the Eastern District of Virginia, that **DAVIS** purchased two firearms and was in the FFL with another black male who drove a black Toyota Camry with a North Carolina license plate ("Camry"). The other black male was later identified and is referred to herein as "Subject-1."

6. During the investigation, your affiant obtained copies of the Forms 4473 and other records for **DAVIS's** attempted and completed firearms purchases at Vienna Arsenal, as well as Dance's Sporting Goods, an FFL located in Colonial Heights, Virginia, within the Eastern District of Virginia.

7. A review of the Forms 4473 and other records showed that, between December 30, 2019, and May 5, 2021,² **DAVIS** purchased, attempted to purchase, or had transferred to him approximately 16 firearms during 11 separate transactions from FFLs located within the Eastern District of Virginia, including Vienna Arsenal in Vienna, Virginia, and Dance's Sporting Goods in Colonial Heights, Virginia.

8. The following chart lists the firearms purchased by **DAVIS** during this timeframe:

¹ In February 2023, Vienna Arsenal closed after its license was revoked. Vienna Arsenal was located in Vienna, Virginia, and operated as an FFL during the time period relevant to this case (i.e., for **DAVIS's** purchases from July 2020 through May 2021).

² **DAVIS** attempted to purchase two firearms on April 30, 2021 (i.e., the last two firearms listed in the chart), which were transferred to him on May 5, 2021, and seized by ATF agents that same day.

Date ³	Manufacturer	Model	Caliber	Type	Serial Number	FFL
12/30/2019	SCCY	CPX-2	9mm	Pistol	715324	Dance's Sporting Goods
2/16/2020	Smith & Wesson	M&P 9 Shield	9mm	Pistol	NES5985	Dance's Sporting Goods
2/16/2020	Taurus	G3	9mm	Pistol	TMW73599	Dance's Sporting Goods
3/19/2020	CZ USA	75	9mm	Pistol	C700979	Dance's Sporting Goods
3/19/2020	Smith & Wesson	M&P 9 Shield EZ	9mm	Pistol	NEW8506	Dance's Sporting Goods
4/30/2020	Taurus	G2C	9mm	Pistol	ABB291301	Dance's Sporting Goods
4/30/2020	Taurus	G2C	9mm	Pistol	ABC363410	Dance's Sporting Goods
4/30/2020	Bersa	BP9CC	9mm	Pistol	K25087	Dance's Sporting Goods
7/27/2020	Taurus	G3C	9mm	Pistol	ABG685158	Vienna Arsenal
8/8/2020	Century Arms	VSKA	7.62x39	Rifle	SV7024465	Vienna Arsenal
8/8/2020	I.O.	AK-47	7.62x39	Rifle	027113	Vienna Arsenal
9/1/2020	Black Aces	FD12	12 gauge	Shotgun	20-BAT11045	Vienna Arsenal
9/1/2020	H&R	1871	12 gauge	Shotgun	NZ701399	Vienna Arsenal
12/13/2020	Smith & Wesson	M&P 40 Shield	.40	Pistol	HWJ2420	Vienna Arsenal
4/30/2021	Hammerli	TAC R1	.22 LR	Rifle	HA023827	Vienna Arsenal
4/30/2021	Bersa	BP9CC	9mm	Pistol	K84503	Vienna Arsenal

9. For each purchase, **DAVIS** was required to complete truthfully a Form 4473 and to present valid Virginia identification. On each Form 4473, **DAVIS** listed his address as a residence on Country Lane in Petersburg, Virginia ("Petersburg Residence"), within the Eastern District of Virginia.⁴ In addition, **DAVIS** responded "Yes" to a question on each Form 4473 indicating that he was the actual buyer of the firearms. On each Form 4473, **DAVIS** certified by signature that his answers were "true, correct, and complete" and that he understood that "making any false oral

³ The date listed is when **DAVIS** initially completed the relevant Form 4473; some of the firearms were transferred to him the same day, while others were transferred to him at a later date.

⁴ The Petersburg Residence is the same address shown on **DAVIS's** Virginia Identification Card, which according to VA Department of Motor Vehicle records was issued on June 20, 2018, and expires on November 15, 2025. Records obtained from Towson University showed that **DAVIS** was a full-time college student from at least the spring of 2019 through at least the spring of 2021 and listed **DAVIS's** permanent address as the Petersburg Residence. The Petersburg Residence is believed to be the residence of **DAVIS's** mother and where **DAVIS** previously resided.

or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law.” For any transfer that took place on a different day than when **DAVIS** originally signed the Form 4473, **DAVIS** was supposed to certify by signature that his answers were still “true, correct, and complete.”

B. DAVIS’s December 13, 2020, and December 18, 2020, Purchase

10. On December 13, 2020, **DAVIS** completed a Form 4473 to purchase a Smith & Wesson M&P 40 Shield, .40 caliber pistol with serial number HWJ2420 from Vienna Arsenal, which was transferred to him on December 18, 2020, after he recertified by signature the Form 4473.

11. Surveillance video from Vienna Arsenal on December 13, 2020, showed that **DAVIS** and Subject-1 arrived at the FFL together in the Camry with Subject-1 in the driver’s seat. Both **DAVIS** and Subject-1 entered the store, looked at and handled several different firearms, and spoke with different employees. **DAVIS** completed the required paperwork. **DAVIS** and Subject-1 then left together in the Camry.

12. On December 18, 2020, law enforcement conducting surveillance followed the Camry to a residence on Garden Road in Towson, Maryland, that was later confirmed to be **DAVIS’s** residence (“Towson Residence”). According to law enforcement surveillance and Vienna Arsenal surveillance video, on December 18, 2020, **DAVIS** and Subject-1 arrived at Vienna Arsenal together in the Camry, both went inside the store, and both eventually left together in the Camry. Surveillance video showed that **DAVIS**, among other things, obtained and carried

the firearm that had been transferred to him. Law enforcement then observed the Camry travel back to Maryland and through Baltimore.

13. On May 5, 2021, law enforcement recovered the Smith & Wesson M&P 40 Shield, .40 caliber pistol with serial number HWJ2420 in Towson, Maryland, from the residence of Subject-1's girlfriend, who consented to a search of her residence. (The residence of Subject-1's girlfriend was different from the Towson Residence, though it was also located in Towson, Maryland.)

C. DAVIS's True Residence Is in Maryland, not Virginia

14. Law enforcement obtained leasing information for the Towson Residence. According to lease records, between June 1, 2019, and May 30, 2020, the Towson Residence was leased for one year by two individuals. After May 30, 2020, the lease converted to a month-to-month lease. According to the landlord's rental agent, other individuals lived at the Towson Residence at some point, including **DAVIS**, Subject-1, and another individual referred to herein as "Subject-2." According to information the landlord's rental agent provided, Subject-1 paid him directly for rent three times via Venmo (for February, March, and April 2021); **DAVIS** paid him directly for rent one time via Venmo (for April 2021); and Subject-2 claimed to be living at the residence but never paid him directly.

15. According to information provided by one of the Towson Residence lessees ("Witness-1"), **DAVIS** lived at the Towson Residence starting in at least July 2019 (i.e., prior to **DAVIS's** firearms purchases listed in the chart above). Witness-1 stated that **DAVIS** was a full-time, year-round resident at the Towson Residence and paid rent year-round; some of **DAVIS's** rent payments to Witness-1 were made as lump sums via Cash App, because **DAVIS** would pay

for the entire semester or make catch-up payments on amounts that were past due. Witness-1 moved out of the Towson Residence in January 2021, before Subject-1 and Subject-2 moved in.

D. Firearm Recoveries

16. Eight of the 16 firearms **DAVIS** purchased within the Eastern District of Virginia were subsequently recovered by law enforcement officers: two were recovered from **DAVIS** while leaving Vienna Arsenal, one was recovered from **DAVIS's** bedroom at the Towson Residence, one was recovered from Subject-1's bedroom at the Towson Residence, one was recovered from the residence of Subject-1's girlfriend in Towson, Maryland, and three others were recovered – two in Maryland and one in New Jersey – from other individuals alleged to be involved in criminal activity.

17. On September 12, 2020, the Baltimore County Police Department in Maryland recovered a Ceska Zbrojovka CZ75 BD, 9mm pistol from a juvenile with initials C.H., who was with Subject-2's brother at the time of the recovery. The serial number ("S/N") was obliterated at the time it was recovered but was later determined to be S/N C700979. The ATF National Tracing Center ("NTC") determined that **DAVIS** originally purchased the firearm from Dance's Sporting Goods on March 19, 2020.

18. On January 14, 2021, the Camden County Police Department in New Jersey recovered a black Smith & Wesson M&P 9 Shield, 9mm pistol bearing S/N NES5985 from an individual with initials N.B., who was prohibited from possessing firearms. The ATF NTC determined that **DAVIS** originally purchased the firearm from Dance's Sporting Goods on February 16, 2020.

19. On March 17, 2021, during an armed robbery investigation, law enforcement executed a search warrant on a dormitory room at Frostburg State University in Frostburg, Maryland, and recovered a SCCY CPX-2, 9mm pistol bearing S/N 715324. (Your affiant notes that Subject-2's brother was one of several individuals charged in connection with the armed robbery.) The ATF NTC determined that **DAVIS** originally purchased the firearm from Dance's Sporting Goods on December 31, 2019.

CONCLUSION

20. Based on the foregoing, I respectfully submit that probable cause exists to believe that **DAVIS** made false statements with respect to the purchase of a firearm, in violation of 18 U.S.C. § 924(a)(1)(A). I respectfully request that the Court issue the proposed arrest warrant.

Respectfully submitted,


John C. Donovan, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to in accordance with Fed. R. Crim.
P. 4.1 by telephone on April 19, 2023.


The Honorable William E. Fitzpatrick
United States Magistrate Judge